



# National Transportation Safety Board

## Marine Accident Brief

### Sinking of Fishing Vessel *Capt. Kevin*

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<b>Accident no.</b>	DCA16FM043
<b>Vessel name</b>	<i>Capt. Kevin</i> (formerly the <i>Sou'Wester III</i> , the <i>Capt. Tammy</i> , and the <i>Lucky I</i> )
<b>Accident type</b>	Sinking
<b>Location</b>	Gulf of Mexico, Sabine Pass Jetty Channel, 29°38.9' N, 093°49.7' W
<b>Date</b>	July 11, 2016
<b>Time</b>	0400 central daylight time (coordinated universal time – 5 hours)
<b>Injuries</b>	Minor injury from diesel fuel ingestion
<b>Property damage</b>	\$139,500 est.
<b>Environmental damage</b>	Undetermined quantity of diesel and lube oil leaked from the vessel, which had an estimated 1,000 gallons of diesel fuel on board.
<b>Weather</b>	Visibility 10 nautical miles, south winds at 16 knots, seas 4–6 feet, air temperature 84° F, water temperature 88.5° F.
<b>Waterway information</b>	Sabine Pass Jetty Channel: two parallel jetties 550 yards apart extend 3.5 miles from shore. Controlling depth is 40 feet; depths outside the channel are 8–16 feet.

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At 0400 local time on July 11, 2016, the US-registered, 127-gross-ton, uninspected commercial fishing vessel *Capt. Kevin* sank in shallow water along the western Sabine Pass jetty near the state border between Texas and Louisiana. The three crewmembers abandoned ship into the water, with one suffering minor injuries. Diesel fuel and other contaminants leaked from the sunken vessel until it was raised and removed. Total property damage was estimated at \$139,500.



The sunken *Capt. Kevin* leaking oil with the western Sabine Pass jetty in the background. (Photo by Coast Guard)

## Sinking of Fishing Vessel *Capt. Kevin*

### Accident Events

On July 11, 2016, about 0300, fishing vessel *Capt. Kevin* was outbound outside the Sabine Pass Jetty Channel with a catch of 2,000 pounds of shrimp.<sup>1</sup> Three crewmembers—two deckhands and the vessel owner/captain—were aboard. The crew had completed fishing the night before in Sabine Lake and was on a 132-mile voyage to their homeport of Houston, Texas. Deckhand 1 was navigating the vessel while the other two crewmembers were asleep.

About 0315, deckhand 2 awoke and went to the galley where he heard what sounded like water coming into the forward area of the vessel. He opened the forepeak watertight hatch and saw water flooding into the void space. He left the hatch open and went to check the engine room for flooding. He saw no water in the engine room, then woke the captain and reported that the vessel was flooding in the forepeak. Deckhand 2 had left the forepeak hatch open (which was below the waterline), allowing the forepeak to overflow out the top of the open hatch and begin progressive flooding of the engine room and other aft compartments below the waterline. The captain proceeded to the wheelhouse, took over navigation of the vessel, and changed course back toward the western Sabine Pass jetty. The captain told deckhand 2 that the fiberglass soft patch on the starboard bow must have failed and that he needed to run the vessel aground before it sank. About 0330, the captain grounded the vessel on the western jetty. The bow hit and bounced off the rocks, which damaged the bow and caused an increased flooding rate. Deckhand 2 went to the engine room, saw water flooding the space, and reported the flooding to the captain. The deckhands rigged three dewatering pumps but observed that the pumps did not keep up with the flooding. The vessel began to sink 20 yards off the jetty.

About 0400, the captain called 911 on his cell phone and asked that the Coast Guard be notified that the *Capt. Kevin* was flooding and in need of assistance. The emergency response center dispatch in Port Arthur, Texas, contacted the command center at Coast Guard Sector Houston/Galveston. The emergency position-indicating radio beacon (EPIRB) floated free when the vessel sank and began transmitting about 0405. Shortly thereafter, the command center at Coast Guard Sector New Orleans called Sector Houston/Galveston to report receiving an EPIRB alert signal from the *Capt. Kevin*. Sector Houston/Galveston then called Coast Guard Station Sabine Pass to launch a response boat to the accident location 2 miles offshore.

The three crewmembers abandoned ship by jumping into the water without donning lifejackets; however, deckhand 2 jumped off with the vessel's life ring. The captain and deckhand 1 swam to the jetty rocks to await rescue. Deckhand 2 swam to the liferaft that had floated free from the vessel. While deckhand 2 was pulling the painter to inflate the liferaft, he ingested diesel fuel leaking from the vessel as it sank. Deckhand 2 hung on to the life ring to keep himself from drowning.

About 0430, a Coast Guard 45-foot-long response boat from Station Sabine Pass arrived on scene, where its crew discovered a debris field and began searching for survivors. Shortly thereafter, the Coast Guard crew rescued the uninjured captain and deckhand 1 from the breakwater and deckhand 2 clinging to the life ring in the water. The *Capt. Kevin* crewmembers

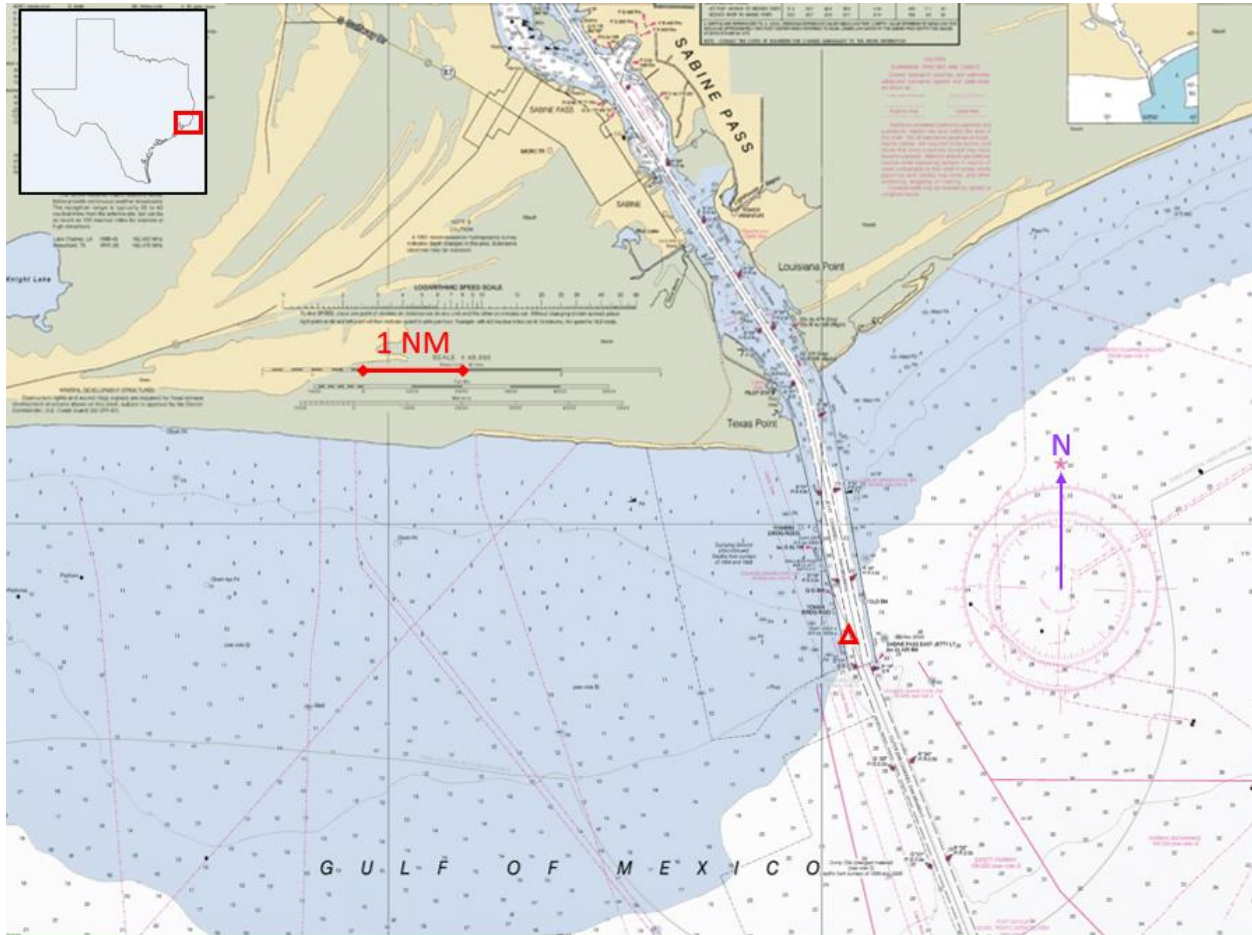
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<sup>1</sup> The *Capt. Kevin* had a Coast Guard-issued Commercial Fishing Vessel Safety Examination sticker valid through October 2017.

## Sinking of Fishing Vessel *Capt. Kevin*

were interviewed on scene by the Coast Guard. The crewmembers declined to provide samples for drug and alcohol tests. Deckhand 2 was taken to a hospital in Port Arthur for treatment.

The Sabine-Neches ship channel was immediately closed but reopened in the morning to one-way traffic for deep-draft vessels. An estimated 1,000 gallons of diesel fuel from the vessel's fuel tanks continued to be released into the water during the 7-day salvage of the vessel. The *Capt. Kevin* and its cargo were considered a total loss, estimated at \$135,000 and \$4,500, respectively. The *Capt. Kevin* was lifted by a derrick barge and moved to a disposal facility at Mesquite Point, Texas.



Portion of National Oceanic and Atmospheric Administration (NOAA) chart 11342 showing the approximate location where the *Capt. Kevin* sank near the Sabine Pass Jetty Channel on the Texas-Louisiana border.

## Toxicological Testing

The *Capt. Kevin* crewmembers told investigators that they would not submit the required specimens for toxicological testing. Following a serious marine incident, individuals directly involved in the casualty are required to provide specimens for testing as directed by their employer and/or a designated investigation officer and to report the results to the Coast Guard. However, the *Capt. Kevin* crew refused and, therefore, the use of alcohol and drugs could not be excluded as causal to the sinking.

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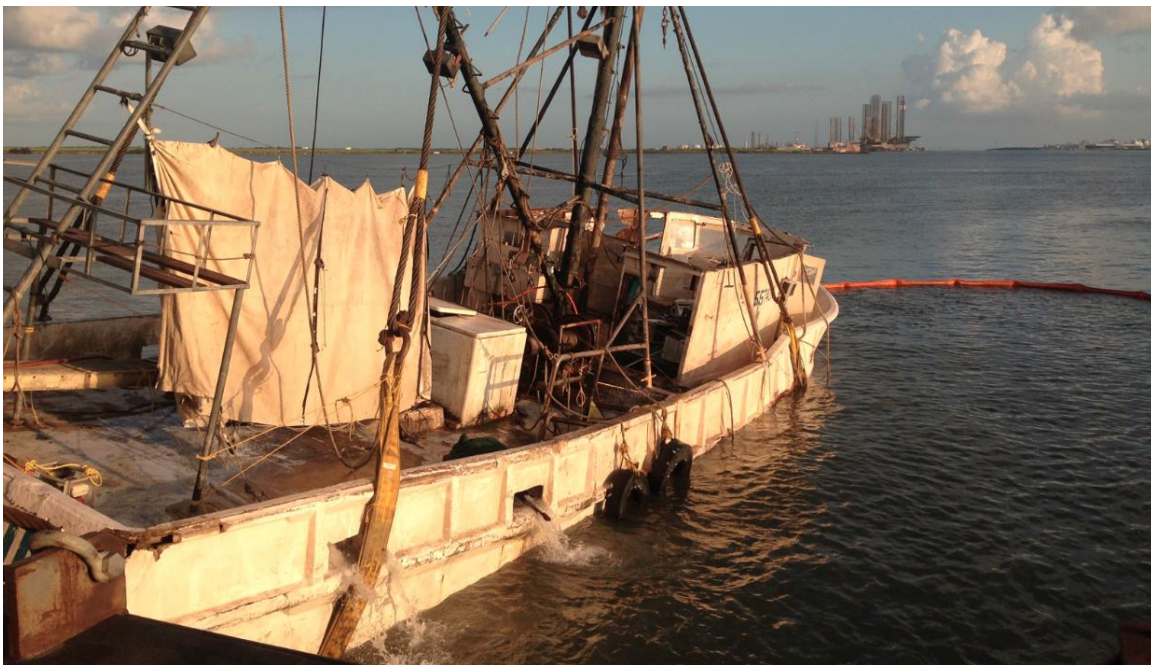
### Temporary Hull Repair

The captain bought the *Capt. Kevin* on September 16, 2015, for \$9,900. He told investigators that he had made temporary soft-patch repairs to a damaged section of the fiberglass hull on the starboard side of the bow that extended below the waterline. This section was 2 feet by 4 feet in size and located on the integral forepeak tank. He made the repairs using a store-bought fiberglass repair kit while the vessel was in the water. The captain believed that, about 0300 on the morning of the sinking, the temporary fiberglass patch failed and the vessel began taking on water in the forepeak.

### Training: Instruction, Drills, and Safety Orientation

Deckhand 2 had been on board the vessel for 2 weeks and had been in the industry since 1983. He told investigators that he had no instruction, drills, or safety orientation while on board the *Capt. Kevin*. After discovering the source of flooding, he did not close the watertight hatch. Had he done so, the flooding may have been contained to the forepeak tank and not progressively flooded the engine room and spaces aft. When the crewmembers abandoned the vessel, they did not deploy the liferaft or don personal flotation devices (PFD) before jumping into the water.

Operators of uninspected fishing vessels are not required to have a Coast Guard-issued credential, but at least one person on board is required by Title 46 *Code of Federal Regulations* 28.270(c) to complete a 10-hour Fishing Vessel Drill Conductor course. Both the captain and deckhand 1 had successfully done so on June 22, 2016, in Kemah, Texas, and January 23, 2013, in Galveston, Texas, respectively.<sup>2</sup> However, there is no evidence that they subsequently conducted the required instruction, monthly drills, and safety orientation with deckhand 2.



The recovery of the *Capt. Kevin* by derrick barge *Mr. Two Hooks*. (Photo by Coast Guard)

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<sup>2</sup> The training course has each course participant satisfactorily demonstrate (among other things): sending proper MAYDAY; testing EPIRBs; inspecting, maintaining, and stowing PFDs; conducting hydrostatic release; donning PFDs in 60 seconds; demonstrating huddle positions; righting and entering liferafts; minimizing the effects of flooding; starting dewatering pumps; and abandoning vessel.

## **Sinking of Fishing Vessel *Capt. Kevin***

### **Probable Cause**

The National Transportation Safety Board determines that the probable cause of the sinking of the *Capt. Kevin* was (1) an inadequate and temporary hull repair that failed, allowing flooding of the vessel's interior spaces, and (2) the crew not securing the watertight hatch to the forepeak that would have contained the flooding to the forepeak tank.

## Sinking of Fishing Vessel *Capt. Kevin*

### Vessel Particulars

Vessel	<i>Capt. Kevin</i>
Owner/operator	Private citizen
Port of registry	Houston, Texas
Flag	United States
Type	Fishing vessel
Year built	1974
Official number (US)	557404
IMO number	7417082
Classification society	Not applicable
Construction	Fiberglass-reinforced polymer (FRP)
Length	68.8 ft (21 m)
Depth	12.5 ft (3.8 m)
Beam/width	22.1 ft (6.7 m)
Gross / Net tonnage	127 gross tons
Engine power; manufacturer	365 hp (272 kW); diesel, single screw
Persons on board	3

**NTSB investigators worked closely with our counterparts from Coast Guard Marine Safety Unit Port Arthur throughout this investigation.**

For more details about this accident, visit [www.nts.gov](http://www.nts.gov) and search for NTSB accident ID DCA16FM043.

**Issued: August 31, 2017**

The NTSB has authority to investigate and establish the probable cause of any major marine casualty or any marine casualty involving both public and nonpublic vessels under Title 49 *United States Code*, Section 1131. This report is based on factual information either gathered by NTSB investigators or provided by the Coast Guard from its informal investigation of the accident.

The NTSB does not assign fault or blame for a marine casualty; rather, as specified by NTSB regulation, “[NTSB] investigations are fact-finding proceedings with no formal issues and no adverse parties . . . and are not conducted for the purpose of determining the rights or liabilities of any person.” Title 49 *Code of Federal Regulations*, Section 831.4.

Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by conducting investigations and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report. Title 49 *United States Code*, Section 1154(b).